

Page 11, line 9, strike out "fourteenth" and insert "fifteenth."

Page 11, line 10, strike out "fifteenth" and insert "sixteenth."

Page 14, line 16, after the word "Mondays" insert the words "after the first Mondays."

Page 15, line 5, strike out "three weeks" and insert "two weeks."

Page 14, section 34, line 7, before "weeks" insert "four."

Add to section 34 the following: "In the county of El Paso, on the eighth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of."

Section 34, line 6, strike out "third" where it occurs the second time in the line and insert the word "first."

Adopted.

Senator Davis offered the following amendment:

On page 7, line 9, strike out "5" and insert "6," and in line 10, strike out "nineteenth" and insert "twentyeth."

Adopted.

Senator Farrar moved that the order of business be suspended and that Senate bill No. 326, entitled "An act to be entitled an act to amend articles 122, 129, 137 and 138 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 130 and 132 of the Revised Civil Statutes of the State of Texas, as amended and approved April 17, 1879, and to add article 130a," be taken up, and 150 copies ordered printed by Monday morning at 10 o'clock.

Adopted.

Also, that the order of business be suspended and Senate bill No. 327, entitled "An act to amend articles 66, 67, 68, 70, 71, 72, 73, 74 and 80 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 75 and 77 of the Revised Civil Statutes of the State of Texas, as amended on April 18, 1879, and to add article 68a," be taken up, and 150 copies ordered printed by 10 o'clock a. m. Monday.

Adopted.

On motion of Senator Traylor, the Senate adjourned until 10 o'clock a. m. Monday.

FORTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 5, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Upon motion of Senator Peacock, the reading of Saturday's journal was dispensed with, and the same adopted.

Senator Matlock presented the following petitions:

A petition from the citizens of Wichita county, protesting against the change of the jurisdiction of the county court of Wichita county.

Referred to Committee on Judicial Districts.

Also, a petition from the citizens of Young county, asking the Legislature to transfer the civil and criminal jurisdiction of the county court of Young county to the district court.

Referred to Committee on Judicial Districts.

Senator Buchanan presented a petition of citizens of Smith and Cherokee counties, asking the Legislature to

submit a constitutional amendment prohibiting sale and importation of intoxicating liquors in Texas.

Referred to Committee on Constitutional Amendments.

Senator Chesley, chairman of Committee on Privileges and Elections, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Privileges and Elections, to whom was referred Senate bill No. 330, entitled "An act to amend articles 1667 and 1693 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass. The object of the bill is to so amend the election laws as to authorize commissioners' courts in their discretion to provide for two sets of ballot boxes and two managers of election, one for State and county officers and one for presidential electors and members of Congress.

CHESLEY, Chairman.

Bill read first time.

Senator Gibbs, chairman of Committee on Constitutional Amendments, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 41, proposing an amendment to article 7 of the Constitution of the State of Texas, by adding another section, have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the reason that the substance is already embraced in another resolution. All of which is respectfully submitted.

GIBBS, Chairman.

Resolution read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 35, entitled "A joint resolution amending section 9, of article 8, of the Constitution of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table. All of which is respectfully submitted.

GIBBS, Chairman.

Resolution read first time.

COMMITTEE ROOM,
AUSTIN, March 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolutions Nos. 4, 10, 11 and 13, entitled "Joint resolution to amend section 3, article 7, of the Constitution of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments:

Strike out the words "twenty-five cents on each one hundred dollars," and insert "fifteen cents on each one hundred dollars;" and add the following proviso:

"Provided, that when the aforesaid State tax, with the aid of school revenue from all other sources, and without regard to local taxation, shall be sufficient to support a general efficient system of free schools for a longer term than six months in the year, the rate of said State tax may be reduced. Should said State tax and revenue, however, be inadequate to support such system for six months without local taxation, said tax may be increased to an extent sufficient to support such system for six months, not to exceed twenty cents on the one hundred dollars valuation in any one year."

All of which is respectfully submitted.

GIBBS, Chairman.

Substitute House joint resolution read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolutions, Nos. 6, 8 and 27, "Proposing an amendment to section 9, article 8, of the Constitution of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments:

In the place of "thirty-three and one-third cents" insert "thirty-five cents."

All of which is respectfully submitted.

GIBBS, Chairman.

Substitute House joint resolution read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute for House joint resolutions Nos. 12, 19, 21 and 31, proposing amendments to sections 4 and 6, article 7, of the Constitution of the State of Texas, have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

GIBBS, Chairman.

Substitute for House joint resolution read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 33, entitled "Joint resolution proposing an amendment to article 5 of the State Constitution, diminishing the number of terms of county courts for criminal business," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, and that it be considered in connection with Senate joint resolution No. 17.

All of which is respectfully submitted.

GIBBS, Chairman.

Senate joint resolution read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 34, entitled "A joint resolution to amend section 28, article 16, of the Constitution," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

GIBBS, Chairman.

Senate joint resolution read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 40, entitled "Joint resolution providing for the calling of a convention to frame a new Constitution for the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table.

All of which is respectfully submitted.

GIBBS, Chairman.

Senate joint resolution read first time.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 5 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1 have considered Senate bill No. 332, "An act to authorize the city of Austin to issue bonds for the purpose of constructing sewers, and to provide for payment of interest thereon," and instruct me to report it back with recommendation that it do pass.

TERRELL, Chairman.

Bill read first time.

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 238 entitled "An act amendatory of an act approved August 9, 1876, entitled 'an act to incorporate the city of Dallas, and grant a new charter to said city,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments:

1. That section 2 of the charter amendments, which provides for extending the city limits, be stricken out.

2. That in said bill wherever the words "exclusive original jurisdiction" occur, it shall be changed to read "concurrent jurisdiction."

All of which is respectfully submitted.

PATTON, Chairman.

Bill read first time.

Senator Patton, chairman of Special Committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your special committee, to whom was referred Senate bill No. 31, entitled "An act creating, establishing and directing the laying out of certain roads as first-class roads, and fixing a penalty for obstructing the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments:

Insert after the word "highways," in the third line of the first section, the words "from the county seat of one county to the county seat of an adjoining county," and omitting the same words from the fifth, sixth and seventh lines.

Also, strike out the proviso in the same section.

Also, insert a section, to be known as section 5, as follows:

"The provisions of this act shall not apply to counties chiefly adapted to grazing and pastoral purposes, nor to heavily timbered counties."

Also, change section 5 to section 6.

All of which is respectfully submitted.

PATTON, Chairman.

Bill read first time.

A message was received from the House announcing the passage by the House of Senate bill 245, "An act to amend sections 7, 14, 21, 33, 35, 36, 40 and 45 of 'an act incorporating the city of Houston, in Harris county,' approved April 21, A. D. 1879, and sections 23 and 31 of said act, as amended by an act of the Legislature of the State of Texas, approved March 9, A. D. 1881, and substituting the following sections therefor."

Also, the passage of substitute for House bills Nos. 5, 50, 416, 421 and 476, "An act to reorganize the fifth, seventeenth and thirty-fifth judicial districts, and to fix the times of holding the courts therein, and to change the times of holding the district courts in the seventh, fourteenth, twenty-fourth, twenty-ninth and thirty-fourth judicial districts, and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches."

On motion of Senator Kleberg, Senators Houston and Stratton were excused from service on the Senate committee, to act with a like committee of the House, to receive General Diaz and other Mexican officers, on account of sickness of Senator Stratton and indispensable official duty of Senator Houston.

The chair appointed Senators Kleberg and Collins in the place of Senators Houston and Stratton on said committee.

On motion of Senator Gooch, Senator Stratton was excused for to-day, on account of sickness.

Senate joint resolution No. 2, relative to leasing the penitentiary, being the unfinished business and special order for this hour, was taken up, the amendment of Senator Johnston of Shelby, and Senator Collins' amendment to amendment of Senator Johnston, pending.

(Senator Fleming in the chair.)

On motion of Senator Houston, the Senate adjourned until 3 o'clock this evening.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

Senator Martin, by consent, presented the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 125, being "An act to amend section 1 of an act entitled 'an act to provide for traveling expenses of the quartermaster and commissary of the frontier battalion,' approved May 4, 1874;" also, Senate joint resolution to amend section 8 of article 7 of the Constitution of the State of Texas, and find the same correctly engrossed.

MARTIN, Chairman.

Senator Terrell, by permission, presented a memorial from W. M. Wilson for an appropriation to pay losses sustained by the contractors to build Rusk penitentiary, from the fact the contractors had to accept bonds instead of money.

Referred to Committee on Finance.

Senator Jones offered the following resolution:

Resolved, That Gen. Fitzhugh Lee, Gen. G. D. Johnston, Rev. J. William Jones and Capt. Chas. Muinegarode be invited to seats within the bar of the Senate, and that a recess of the Senate be taken at 4 p. m. this evening, in order that members of the Senate individually may pay their respects to the distinguished visitors.

Senator Gooch made a point of order that under the rules of the Senate the resolution was out of order.

Point of order sustained.

The unfinished business, Senate concurrent resolution No. 2, the leasing of the penitentiary, was laid before the Senate.

The pending question was the amendment of Senator Collins, as follows:

"Provided further, that after six years the lease contract may be annulled by act of the Legislature, if considered in the interest of the State to do so."

To the following amendment of Senator Johnston of Shelby:

"Provided, that the aforesaid lease shall in no event be of longer duration than ten years; and the said lessees and their bondsmen shall, within thirty days after the passage of this resolution, file in the office of the Secretary of State a written acceptance of said modification; otherwise said contract shall be, and is hereby, revoked."

Senator Collins' amendment was lost by the following vote:

YEAS—8.

Chesley,	Evans,	Shannon,
Collins,	Fowler,	Traylor.
Davis,	Matlock,	

NAYS—19.

Buchanan,	Harris,	Martin,
Cooper,	Houston,	Peacock,
Farrar,	Johnston of Shelby,	Pfeuffer,
Fleming,	Jones,	Pope,
Getzendaner,	King,	Randolph,
Gibbs,	Kleberg,	Terrell.
Gooch,		

Senator Fowler offered the following amendment to Senator Johnston's amendment:

Amend by adding, "Provided that the first Legislature convening after the expiration of the first five years of the leases shall have the power to revoke the said leases."

Lost by the following vote:

YEAS—4.

Chesley,	Davis,	Fowler.
Collins,		

NAYS—24.

Buchanan,	Harris,	Matlock,
Cooper,	Houston,	Peacock,
Evans,	Johnson of Collin,	Pfeuffer,
Farrar,	Johnston of Shelby,	Pope,
Fleming,	Jones,	Randolph,
Getzendaner,	King,	Shannon,
Gibbs,	Kleberg,	Terrell,
Gooch,	Martin,	Traylor.

Senator Davis offered the following substitute for the amendment of Senator Johnston of Shelby:

Strike out "ratified" wherever it occurs in the resolution and insert "revoked."

Senator Johnston of Shelby raised the point of order that the amendment was not germane to the subject matter of the amendment sought to be substituted.

Senator Patton said the resolution sought the destruction of the resolution under consideration.

Senator Davis withdrew the amendment.

The amendment of Senator Johnston of Shelby was adopted by the following vote:

YEAS—21.

Buchanan,	Gooch,	Matlock,
Chesley,	Houston,	Patton,
Cooper,	Johnson of Collin,	Peacock,
Evans,	Johnston of Shelby,	Pfeuffer,
Fleming,	Jones,	Pope,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Martin,	Traylor.

NAYS—8.

Collins,	Gibbs,	Randolph,
Davis,	Harris,	Terrell.
Farrar,	King,	

Senator Traylor offered the following amendment to the resolution of majority:

Amend on page 14, last two lines, by striking out the words "that the said leases be and they are hereby in all things ratified and affirmed," and insert, "that the said leases be and they are hereby revoked," and amend the caption to conform thereto.

Senator Davis offered a substitute for the amendment of Senator Traylor:

"Provided, said lease can at any time be annulled by the Legislature."

Withdrawn.

Senator Buchanan offered the following amendment:

"Provided, further, that the amount of money paid by the State for transportation of convicts to the penitentiaries during the years 1883 and 1884, shall be placed to the credit of the State by said lessees, to be, by them, paid back to the State at the termination of said leases."

Adopted by the following vote:

YEAS—25.

Buchanan,	Getzendaner,	Matlock,
Chesley,	Gooch,	Patton,
Collins,	Harris,	Peacock,
Cooper,	Johnson of Collin,	Pfeuffer,
Davis,	Jones,	Randolph,
Evans,	King,	Shannon,
Farrar,	Kleberg,	Terrell,
Fleming,	Martin,	Traylor.
Fowler,		

NAYS—3.

Gibbs,	Houston,	Johnston of Shelby.
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Senator Matlock offered the following amendment:

Amend the resolution as follows: "At no time after the first day of January, 1885, shall the lessees have the right to work, or permit any of the convicts belonging to the penitentiary to be worked, upon or in the construction of any railroad or other public works."

Senator Davis offered to amend the amendment of Senator Matlock as follows:

"Strike out January 1, 1885."

Lost by the following vote:

YEAS—3.

Chesley,	Gibbs,	Terrell,
Collins,	Harris,	Traylor.
Davis,	King,	

NAYS—21.

Buchanan,	Gooch,	Matlock,
Cooper,—	Houston,	Patton,
Evans,	Johnson of Collin,	Peacock,
Farrar,	Johnston of Shelby,	Pfeuffer,
Fleming,	Jones,	Pope,
Fowler,	Kleberg,	Randolph,
Getzendaner,	Martin,	Shannon.

Senator Matlock's amendment was adopted by the following vote:

YEAS—16.

Buchanan,	Fleming,	Matlock,
Chesley,	Fowler,	Pfeuffer,
Collins,	Gooch,	Randolph,
Cooper,	Harris,	Stratton,
Davis,	King,	Traylor.
Farrar,		

NAYS—13.

Evans,	Johnston of Shelby,	Patton,
Getzendaner,	Jones,	Peacock,
Gibbs,	Kleberg,	Pope,
Houston,	Martin,	Terrell.
Johnson of Collin,		

Senator Terrell offered the following amendment:

Add to the resolution the following: "With the express condition that no convict shall be employed in any city in this State outside of the penitentiary, or in the performance or any mechanical work or trade outside of the penitentiary walls, nor shall they be employed in the erection of any public building belonging to the State not connected with the penitentiary."

Senator Gooch offered the following amendment to the pending amendment:

"The prohibition shall not extend to those laboring at iron industries."

Withdrawn.

(Senator Buchanan in the chair.)

Senator Gooch then offered the following amendment to the pending amendment:

"This prohibition shall not extend to working at industries for manufacturing iron, nor to building penitentiaries or reformatories."

Senator Harris moved to adjourn until 10 a. m. to-morrow, Senator Houston having the floor.

Adopted.

FORTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 6, 1883. }

Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Rev. B. W. Brown.

On motion of Senator Kleberg, the reading of the journal of yesterday was dispensed with, and the same adopted.

A message was received from the House announcing the passage by that body of House bill No. 525, "An act to remove the civil disabilities of Willie E. Harper, a minor."

Senator Johnston of Shelby presented a memorial from citizens of San Augustine and Sabine counties, in regard to judicial districts.

Referred to Committee on Judicial Districts.

Senator Martin, for Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 3, 1883.

Hon. Marion Martin, President of the Senate:

The undersigned, members of the Committee on Internal Improve-

ments, to whom was referred Senate bill No. 296, entitled "An act amendatory of an act entitled 'an act to repeal all laws granting land and land certificates to railroads,' approved April 22, 1882," respectfully dissent from the adverse report upon said bill by a majority of said committee.

The bill is intended for the relief of such roads as had completed the whole or any part of their line before the twenty-second of April, 1882, the date on which the law authorizing the issuance of certificates for such completed road or roads, was repealed. The New York, Texas and Mexican Railway Company claim to be the only road in the State having any part of its line completed, inspected by the State Engineer, and received at said date, that has not received the certificates promised by the State, and therefore the bill may be said to apply to them particularly. This road has been built entirely by foreign capital, and we are told, and have no reason to doubt, that one of the reasons inducing these capitalists to undertake the enterprise and develop our State was the promise solemnly made by the State that they should have sixteen sections of land per mile of completed road. At the date of the repeal of said law, to-wit, April 22d, 1882, Gen. Hardeman, the State Engineer, had inspected 57 miles of said road, and had accepted and reported favorably upon 26½ miles of the same. This company had complied with every condition prescribed by the State, with every prerequisite of the contract, and, we think, in law and good morals they are entitled to their certificates. It is no answer to say that the public domain is exhausted, or that by issuing these certificates the State would place it in the power of unprincipled men to defraud the innocent. Whether the public domain is exhausted or not, the State promised to issue the certificates. The company is willing to receive the certificates with a full knowledge of the circumstances under which they are to be issued, and are willing further that the law authorizing their issuance may provide and stipulate that the issuance of said certificates shall never be made the ground of claim against the State by reason of the exhaustion of the public domain. Besides, it is a fact that such certificates have a value in the market to-day, and we say the State has no right to deprive the road of this benefit, be it much or little. Should third parties buy these certificates, they cannot claim to be innocent purchasers, because, in the first place, they will show upon their face that the holders can only locate them upon *unappropriated* public domain; and, in the second place, they are bound to take notice of the law by virtue of which said certificates are issued, and consequently of the fact that said certificates can never be made a ground of claim against the State. In answer to the second objection, we say the State will certainly commit a fraud upon these parties by refusing to issue the certificates promised; and, on the other hand, there is but small probability of innocent parties being defrauded by the purchase of said certificates after they are issued. The State had better keep her own hands clean before she becomes anxious for others.

MARTIN,
HOUSTON,
COLLINS,
JOHNSTON of Shelby.

The following message was received from his Excellency, the Governor:

To the Senate:

GENTLEMEN—In the communication sent to your honorable body, on the first of March, there are many erasures in the names of persons suggested for notaries public, and, in order to correct the same, I ask to withdraw the recommendations.

I am, respectfully, yours,

JOHN IRELAND,
Governor of Texas.

AUSTIN, March 5, 1883.

The above request was unanimously granted.

(Senator Fleming in the chair.)

The unfinished business and special order for this hour being Senate concurrent resolution No. 2, relating to the leasing of the penitentiary, with the amendment of Senator Terrell, and the amendment of Senator Gooch to amendment of Senator Terrell, pending on adjournment, was taken up.

(Senator Houston, President pro tem. in the chair.)

Senator Johnston of Shelby moved to adjourn till 3 o'clock this evening.

Adopted.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President pro tem. in the chair.